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In re Application of : **OFFICE OF PETITIONS**
Eskin : LETTER REGARDING PTA
Application No. 09/775,194 :
Filed: February 1, 2001 :
Atty. Dkt. No.: 12206-002001 :

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed February 1, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed November 27, 2006 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 639 days. Applicant does not contest any of the adjustments or reductions to date, but instead indicates that the adjustment appears to be longer than appropriate.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 588 days.

A review of the record confirms the accuracy of the adjustments (782 days) and reductions (143 days) reflected in the Determination of Patent Term Adjustment mailed November 27, 2006.

However, further review of the record reveals that the Office failed to record a reduction of 51 days under 37 CFR 1.704(b) in connection with the reply filed August 31, 2001 in response to the Notice of Missing Parts mailed April 11, 2001. The reduction began July 12, 2001, the day after the date that is four months after the date the Notice of Missing Parts was filed, and ended August 31, 2001, the date a reply thereto was filed.

Accordingly, at the time the Notice of Allowance was mailed, the application is entitled to an adjustment 588 days (adjustments totalling 782 days less reductions totalling 194 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forwarded to Technology Center 2600 for processing of the request for continued examination filed February 16, 2007.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Monday
Date: 9/10/2007

Time: 12:46:38

PALM INTRANET

PTA Calculations for Application: <u>09/775194</u>			
Application Filing Date:	<u>02/01/2001</u>	PTO Delay (PTO):	<u>782</u>
Issue Date of Patent:		Three Years:	<u>0</u>
Pre-Issue Petitions:	<u>0</u>	Applicant Delay (APPL):	<u>143</u>
Post-Issue Petitions:	<u>0</u>	Total PTA (days):	<u>588</u>
PTO Delay Adjustment:	<u>-51</u>		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
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53	11/27/2006	MAIL NOTICE OF ALLOWANCE			
52	11/20/2006	ISSUE REVISION COMPLETED			
51	08/31/2001	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
50	11/20/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	11/16/2006	NOTICE OF ALLOWABILITY			
48	10/25/2006	DATE FORWARDED TO EXAMINER			
47	10/17/2006	AMENDMENT AFTER FINAL REJECTION			
46	10/18/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
45	10/10/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
44	08/17/2006	MAIL FINAL REJECTION (PTOL - 326)			
43	08/16/2006	FINAL REJECTION			
42	06/16/2006	DATE FORWARDED TO EXAMINER			
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39	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
38	03/07/2006	MAIL NON-FINAL REJECTION			
37	03/03/2006	NON-FINAL REJECTION			
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35	02/06/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)	34	28	
34	02/10/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
33	02/06/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			

32	12/22/2005	MAIL ADVISORY ACTION (PTOL - 303)			
31	12/20/2005	ADVISORY ACTION (PTOL-303)			
30	12/07/2005	DATE FORWARDED TO EXAMINER			
29	12/05/2005	AMENDMENT AFTER FINAL REJECTION			
28	10/03/2005	MAIL FINAL REJECTION (PTOL - 326)			
27	09/29/2005	FINAL REJECTION			
26	07/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED	0	24	
25	07/19/2005	DATE FORWARDED TO EXAMINER			
24	07/07/2005	RESPONSE AFTER NON-FINAL ACTION	72	22	
23	07/07/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	01/26/2005	MAIL NON-FINAL REJECTION	19	17	
21	01/24/2005	NON-FINAL REJECTION			
20	12/08/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	11/19/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	11/19/2004	DATE FORWARDED TO EXAMINER			
17	09/07/2004	RESPONSE TO ELECTION / RESTRICTION FILED	35	13	
16	09/07/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
15	10/25/2002	REFERENCE CAPTURE ON IDS			
14	09/07/2004	WORKFLOW INCOMING AMENDMENT IFW			
13	05/03/2004	MAIL RESTRICTION REQUIREMENT	763	-1	
12	05/03/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
11	04/07/2004	CASE DOCKETED TO EXAMINER IN GAU			
10	04/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
9	07/21/2003	CASE DOCKETED TO EXAMINER IN GAU			
8	10/25/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	10/01/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	10/11/2001	APPLICATION DISPATCHED FROM OIPE			
5	10/10/2001	APPLICATION IS NOW COMPLETE			
4	04/11/2001	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	04/11/2001	CORRESPONDENCE ADDRESS CHANGE			
2	02/23/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

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